

1 THE HONORABLE THOMAS S. ZILLY
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON AT SEATTLE

9 Raymond Nix) Case No.: 2:05 1329 TSZ
10 vs. Plaintiff,)
11 City of Seattle, et al,) COUNSEL'S MOTION TO WITHDRAW FROM
12 Defendants) REPRESENTING PLAINTIFF RAYMOND NIX
13)
14) NOTED FOR FRIDAY DECEMBER 15, 2006
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16 Paul Richmond, Counsel for Plaintiff Raymond Nix, Moves the Court under GR2(g)(4) to
17 WITHDRAW from Representing Plaintiff Raymond Nix. This is based upon failure of Plaintiff to
18 communicate with Counsel. Plaintiff's Counsel has Conferred with Counsel for City Defendants and they
19 do not oppose this Motion.

20 Plaintiff's Counsel has last met with Mr. Nix in late September. Plaintiffs' Counsel Richmond sent
21 Plaintiff Nix a letter memorializing his understanding of that meeting – the certified copy of that letter was
22 unclaimed by Mr. Nix. (A copy of this returned envelope is attached as Exhibit 1.) In the last month,
23 Plaintiffs' Counsel has made numerous attempts to contact Mr. Nix, and to set up a subsequent meeting.
24 Counsel has sent multiple communications sent by both regular and certified mail. Letters sent by
25 certified mail by Counsel Richmond to Plaintiff Nix on October 31, 2006, November 2, 2006, and
November 9, 2006 have all been returned unclaimed. In his letter of October 31, 2006, Counsel asked

1 Mr. Nix to come by his office on November 2. In his letter of November 2, Plaintiff's Counsel asked Mr.
2 Nix to come by his office on November 9th. In his letter of November 9th, Counsel warned Mr. Nix that if
3 he did not hear from him soon, he could not continue to represent Mr. Nix and would be forced to
4 withdraw his representation of Mr. Nix. Though Mr. Nix himself does not have a phone, Counsel has also
5 left multiple messages with a friend who has served as a contact with him. None of these have resulted
6 in contact from Mr. Nix since Counsel Richmond has returned in late October.

7 RPC 1.16(b)(5) permits withdrawal of the lawyer if "the client fails substantially to fulfill an
8 obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the
9 lawyer will withdraw unless the obligation is fulfilled." Counsel Richmond has made repeated attempts to
10 contact Mr. Nix and to set up a meeting regarding vital matters in this case. Mr. Nix has not responded,
11 or given any indication that he will respond. Accordingly Plaintiffs' Counsel requests to Withdraw from
12 Representing Mr. Nix.

13 Plaintiff's Counsel has sent copies of this Motion to Plaintiff Nix at his last known address and has
14 sent copies of this to opposing counsel through the Court's ECF filing system. Additionally Plaintiffs'
15 Counsel has conferred with Defendants' Counsel and Defendants' Counsel have informed him that they
16 do not oppose this Motion.

17 Accordingly Plaintiffs' Counsel, Paul Richmond, requests to withdraw from representing Plaintiff
18 Nix

19 Respectfully submitted this 2nd day of December, 2006

20 /s/ Paul Richmond

21 Paul Richmond, WSBA 32306
22 Law Office of Paul Richmond
23 600 1st Avenue, Suite 331
24 Seattle, WA, 98104

1 CERTIFICATE OF SERVICE

2 I hereby certify that on December 2, 2006 I caused the attached documents
3 COUNSEL'S REQUEST TO WITHDRAW FROM REPRESENTING PLAINTIFF RAYMOND NIX,
4 DECLARATION OF PAUL RICHMOND, PROPOSED ORDER
5 to be filed through the Court's ECF filing system which will send notice to the following:

6 ktran@staffordfrey.com, abremner@staffordfrey.com
7 Counsel for City Defendants, Stafford Frey Cooper

8 Additionally I have sent copies of the attached documents by regular and certified mail to Mr. Nix at his
last provided address in compliance with GR2(g)(4).

9 /s/ Paul Richmond, through ECF
10 Paul Richmond